

## **REMARKS/ARGUMENTS**

### **1. Summary of the Office Action**

Claims 12 – 42 are pending in the referenced application. Claims 1-11 have been cancelled and claims 35-42 have been added.

### **2. Response to § 102 Rejections**

Examiner has rejected claims 1 – 5, 12 – 14, 20 – 22, and 27 – 28 under 35 USC 102(e) as being anticipated by Berliner, U.S. Patent No. 6,731,908 (hereinafter referred to as “Berliner”).

To anticipate a claim, the reference must teach every element of the claim. “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Independent claims 12 and 20 include a limitation of a range sensor, wherein range sensor is separate from the first and second wireless communication interfaces. Berliner does not disclose this limitation, and as a result, does not anticipate claims 12 and 20.

Specifically, Berliner discloses a method and apparatus for measuring a distance between two objects using RF techniques (Col. 1, lines 7-12). The apparatus includes a base station 100 and a remote unit 200 (See Fig. 2). The base station 100, for example, includes an RF transceiver 103 (See Fig. 3). The distance between the base station 100 and remote unit 200 is determined by exchanging RF signals between the base station 100 and remote unit 200 (Col. 6, lines 34-43). As a result, the signals used to determine the distance between the base station 100 and the remote unit 200 are both generated by, for example, the RF transceiver 103 of the base station 100. Berliner does not disclose the limitation of claim 1, since the signals used to

determine the distance between the base station 100 and the remote unit 200, and the signals used for communication, are generated by the same component (the RF transceiver 103). Therefore, claims 12 and 20 are not anticipated by Berliner.

Claims 27 and 35 include a limitation of selecting including sensing when a distance between the first device and the second device is within a predetermined physical range, wherein the sensing includes determining the range using a range sensor separate from a communications interface. Berliner does not disclose this limitation, and therefore does not anticipate claims 27 and 35.

Specifically, as mentioned above, Berliner discloses a base station 100 and a remote unit 200 that communicate using RF signals. Further, the system disclosed by Berliner determines a distance between the base station 100 and the remote unit 200 using the same RF transceiver 103 that is used to communicate between the base station 100 and the remote unit 200. As a result, Berliner does not anticipate claims 27 and 35.

Claims 13-14, 21-22 and 28 depend from the above discussed independent claims, and therefore include all the limitations of those claims. Since the independent claims are not anticipated by Berliner, claims 13-14, 21-22 and 28 are also not anticipated by Berliner.

In light of the discussion during the Examiner Interview and the accompanying amendments, Applicants respectfully submit that the rejection under 35 U.S.C. § 102 has been overcome, and withdrawal of this rejection is therefore respectfully requested.

### **3. Response to § 103 Rejections**

Applicants respectfully traverse this rejection for the reasons set out below, and ask the Examiner for reconsideration.

Examiner has rejected claims 16, 23, and 29 under 35 USC 103(a) as being unpatentable over Berliner in view of Hind et al., U. S. Published Application No. US 2002/0174025 A1 (hereinafter "Hind").

Examiner has rejected claims 17 – 19, 24 – 26, and 30 – 34 under 35 USC 103(a) as being unpatentable over Berliner in view of Keller et al., U.S. Published Application No. US 2002/0054412 A1 (hereinafter referred to as "Keller").

Claims 16-19, 23-26 and 29-35 depend from the above discussed independent claims and therefore include all the limitations of those claims. Neither Hind nor Keller adds the cited limitation discussed above. As a result, claims 16-19, 23-26 and 29-35 are patentable over Berliner in view of Hind or Keller.

In light of the above, Applicants respectfully submit that the rejection under 35 U.S.C. § 103 has been overcome, and withdrawal of this rejection is therefore respectfully requested.

4. **Conclusion**

Having tendered the above remarks and amended the claims as indicated herein, Applicants respectfully submit that all rejections have been addressed and that the claims are now in a condition for allowance, which is earnestly solicited.

If there are any additional charges, please charge Deposit Account No. 02-2666. If a telephone interview would in any way expedite the prosecution of the present application, the Examiner is invited to contact the undersigned at (408) 720-8300.

Respectfully submitted,

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